

**SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF NEW YORK**

UBS SECURITIES LLC and
UBS AG, LONDON BRANCH,

Plaintiffs;

- against -

HIGHLAND CAPITAL MANAGEMENT, L.P.,
HIGHLAND CDO OPPORTUNITY MASTER
FUND, L.P., HIGHLAND SPECIAL
OPPORTUNITIES HOLDING COMPANY,
HIGHLAND FINANCIAL PARTNERS, L.P.,
HIGHLAND CREDIT STRATEGIES MASTER
FUND, L.P., HIGHLAND CRUSADER
OFFSHORE PARTNERS, L.P., HIGHLAND
CREDIT OPPORTUNITIES CDO, L.P., and
STRAND ADVISORS, INC.,

Defendants.

Index No.: 650097/2009

FILED

Hon. Marcy S. Friedman
IAS Part 60

FEB 10 2020

**COUNTY CLERK'S OFFICE
NEW YORK**

[PROPOSED] JUDGMENT

Plaintiffs UBS Securities LLC and UBS AG, London Branch, having filed a Complaint against Defendants Highland Capital Management, L.P., Highland CDO Opportunity Master Fund, L.P., Highland Special Opportunities Holding Company on February 24, 2009;

NOW, Plaintiffs UBS Securities LLC and UBS AG, London Branch having filed their Second Amended Complaint against Defendants Highland Special Opportunities Holding Company ("SOHC"), Highland CDO Opportunity Master Fund, L.P. ("CDO Fund," and together with SOHC, the "Fund Counterparties"), Highland Financial Partners, L.P., Highland Credit Strategies Master Fund, L.P., Highland Crusader Offshore Partners, L.P., Highland Credit Opportunities CDO, L.P., and Strand Advisors, Inc., which was consolidated with the claims set forth in Plaintiffs' June 28, 2010 Complaint against Defendant Highland Capital Management, L.P. (Index. No. 650752/2010);

NOW, the Court having held trial from July 9, 2018 through July 27, 2018, on (1) Plaintiffs' third and fourth causes of action against the Fund Counterparties, and (2) Defendant Highland Capital Management, L.P.'s counterclaims against Plaintiffs;

AND the Court having rendered a final Decision and Order after Trial on November 14, 2019, in which it found in favor of Plaintiffs UBS Securities LLC and UBS AG, London Branch on their third and fourth causes of action against the Fund Counterparties, and dismissed Defendant Highland Capital Management, L.P.'s counterclaims with prejudice;

IT IS NOW HEREBY ORDERED AND ADJUDGED that Plaintiffs UBS Securities LLC with an address of 677 Washington Blvd, Stamford, Connecticut, and 299 Park Avenue, New York, New York and UBS AG, London Branch with an address of Finsbury Avenue, London United Kingdom are granted a judgment of \$519,374,149 and entitled to prejudgment interest in the amount of 9% simple interest per year from the date of the breach, which the Court has determined is December 5, 2008, for an overall judgment as of January 22, 2020 of **\$1,039,957,799.44**, with additional interest per day thereafter of \$128,065 until entry of judgment, to be apportioned among Defendants as follows:

- (i) \$264,880,815.99 against Defendant Highland CDO Opportunity Master Fund, L.P. with an address of 52 Reid Street, Hamilton, Bermuda, plus \$265,497,661.73 in prejudgment interest, for a total judgment against Defendant Highland CDO Opportunity Master Fund, L.P. as of January 22, 2020 of **\$530,378,477.72** with additional prejudgment interest per day thereafter of \$65,313.08 until entry of judgment in the total amount, ^{the sum of \$1,240,948.52, for} and it is ordered that Plaintiffs shall have execution ^{of \$531,169,426.24 x} thereof, provided that enforcement shall be stayed as to \$35,955,000 (51% of \$70.5 million); and

(ii) \$254,493,333.01 against Defendant Highland Special Opportunities Holding Company with an address of Walker House, 87 Mary Street, George Town, Grand Cayman, Cayman Islands, plus \$255,085,988.72 in prejudgment interest, for a total judgment against Defendant Highland Special Opportunities Holding Company as of January 22, 2020 of \$509,579,321.73 with additional prejudgment interest per day thereafter of \$62,751.78 until entry of judgment in the total amount, and it is ordered that Plaintiffs shall have execution thereof, provided that enforcement shall be stayed as to \$34,545,000 (49% of \$70.5 million).

*the sum of \$1,192,285.62, for
of \$510,771,605.55 X*

Dated: New York, New York
January 22, 2020

FILED

FEB 10 2020

**COUNTY CLERK'S OFFICE
NEW YORK**

ENTER:

Marcy Friedman
HON. MARCY S. FRIEDMAN, J.S.C.

Milton A. Taylor
CLERK

SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF NEW YORK

INDEX # 650097/2009

UBS Securities LLC, UBS AG, London Branch

Plaintiff(s)/Petitioner(s)

Against

*Highland Capital Management, L.P., Highland CDO
Opportunity Master Fund, L.P., Highland Special
Opportunities Holding Company, Highland Financial
Partners, L.P., Highland Credit Strategies Fund,
Highland Crusader Offshore Partners, L.P., Highland
Credit Opportunities CDO, L.P., Strand Advisors Inc.*

Defendant(s)/Respondent(s)

JUDGMENT

Attorney for the Prevailing Party

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**FILED AND
DOCKETED**

FEB 10 2020

AT 10:20 AM
N.Y., CO. CLK'S OFFICE